

### REMARKS

This is in response to the Official Action mailed March 24, 2003. By that action claims 1,4,6 and 8 were initially rejected under 35 USC 103(a) as unpatentable over Finkelstein in view of Hoyt. Claims 2 and 5 were initially rejected as unpatentable over Finkelstein in view of Hoyt and further in view of Hoebing. Claims 3 and 7 were initially rejected as unpatentable over Finkelstein in view of Hoyt and further in view of Van Voorhees. All claims have now been canceled except for claims 2 and 5 which have been rewritten. Reconsideration of these remaining two claims is respectfully solicited.

Finkelstein discloses a cylinder lock for a refrigerator door with a latch rotatably mounted adjacent the inside of the door. The cylinder lock is coupled to the metallic latch by a rod and non-metallic latch by a rod and non-metallic bolt that is rotatably mounted within the door. The bolt has a keyway in which the rod is received.

The Examiner has initially stated that Finkelstein has an outer deadbolt lock means 22, an inner handle means 13 and a shaft comprised of a metal portion 21 and an insulated low thermal conductive plastic portion 17. It is submitted that this is incorrect.

Firstly, the lock 22 of Finkelstein is not a deadbolt. Rather it is a cylinder lock, see Col 3, line 8. Though the statement is made at Col 3, lines 40-43 that the locking assembly can be used in connection with cylinder locks in door handles and in other

exterior locks such as deadbolt-type locks, just how that would be done is not disclosed. Of course cylinder locks and deadbolt locks per se have both been well known for a very long time.

Secondly, the inner handle means 13 is not the handle of Finkelstein. It is a latch, see Col 2, line 36. The Finkelstein handle is handle 36, see Col 3, line 9, which is rotatably mounted outside the door.

Thirdly, the shaft(rod) 21 of Finkelstein does not have an insulated low thermal conductive plastic portion 17. Element 17 is a bolt. See Col 2, lines 43 and 64. It forms no portion of the shaft. Rather it has a keyway "for receiving a rotatable, metallic rod 21", Col 2, line 48. The rod is made of a metal or fiberglass, Col 3, lines 32-33.

With regard to Hoebing, it discloses a security latch that has a lag bolt anchored in the timbers of a door frame of a room in public places such as motels and hotels. It includes a strip of molding 93 that overlays a nut 92. There is nothing in the reference related to refrigeration or thermal insulation or conduction. Indeed, there is no mention of the material that the molding is made of although one would assume that it is wood molding since the door and door frame are made of wood. For a hotel it would be strange to use plastic molding for aesthetics.

Accordingly, it is submitted that claims 2 and 5 as now rewritten are patentable over Finkelstein in view of Hoyt and further in view of Hoebing. There would be no motivation to combine the teachings of Hoebing which is concerned with hotel

security, not with freeze-up. Moreover, even were the three references to be combined they would still fail to produce the walk-in freezer door of claims 2 and 5.

With this Amendment it is believed that the application has been placed in condition for allowance. Should the Examiner have any further concerns, she is invited to telephone the undersigned for a speedy resolution. As the undersigned is retiring on October 1, 2003, in his absence please contact Dorian Kennedy of the same law firm, also attorney of record.

Respectfully submitted,



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Docket No.: 2170415-000081

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on Sept 23, 2003.

Signature \_\_\_\_\_  
Robert B. Kennedy

